

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, APRIL 2, 1996
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Stallings at 11:05 a.m. Deputy Mayor Stallings convened the Special Joint Council Meeting with the Redevelopment Agency and the Redevelopment Agency Meeting simultaneously with the regular meeting at 11:22 a.m. Deputy Mayor Stallings adjourned the meeting at 12:42 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-excused by R-287222
(Out-of-town City business)
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-excused by
R-287269 (City business in Sacramento)
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present
- Clerk-Fishkin (pr)

ITEM-300:

ROLL CALL

Clerk Fishkin called the roll:
(M) Mayor Golding-not present

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- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-not present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

ITEM-PC-1: REFERRED TO CITY MANAGER AND CITY ATTORNEY

Comment by Bill Schwenker, President of Arroyo Sorrento Road Home Owners Association regarding Arroyo Sorrento Road and assessment fees.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A016-040.)

COUNCIL COMMENT:

None.

ITEM-330:

SUBJECT: Vacation of Westerly Excess Portion of the North/South Alley in Block 61 of Linda Vista Unit 4, Map-3256.
(Linda Vista Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1018) ADOPTED AS RESOLUTION R-287127

Vacating the westerly excess portion of the north/south alley in Block 61 of Linda Vista, Map-3256, under the procedure for the summary vacation of streets.

CITY MANAGER SUPPORTING INFORMATION:

The abutting property owners have requested the vacation of the excess portion of the alley adjacent to their property. The request was made to alleviate the necessity of an encroachment removal agreement to accommodate fencing and private parking within the westerly 2.5 foot width segment of the alley. The area of vacation is not required for public use since the alley is constructed to City standards. The area-of-vacation is located in the Linda Vista Community Plan Area and is situated in the R-1000 Zone. The vacation area totals 2,186 square feet and would provide additional area for development. However, no additional units are being proposed at this time since the adjacent properties are fully developed with 233 multi-family residential units.

The Linda Vista Community Planning Board reviewed this proposal on November 27, 1995 and recommended approval of this action by an 11-1-3 vote. The alley affected by the vacation is 25 feet wide and supports a standard 20 foot-wide improved alley section. The 2.5 foot-width requested for vacation does not support public improvements, public utilities or franchise facilities. Staff review of the subject vacation indicated that the four required findings under Council Policy and State Law can be made and that the area proposed for vacation may be summarily vacated.

FILE LOCATION: STRT-J-2839; DEED F-6734 DEEDFY96-1

COUNCIL ACTION: (Tape location: A123-160.)

Hearing began at 11:18 a.m. and halted at 11:21 a.m.

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-331: CONTINUED TO MAY 7, 1996

SUBJECT: Vacation of Bolton Hall Road West of Border Village
Drive and in Adjacent Alley.
(San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1024)

Vacating Bolton Hall Road west of Border Village Drive and the alley adjacent to Lots 11, 12, 13 and 15 of Schulz Addition San Ysidro, Map-1758, under the procedure for the summary vacation of streets;
Reserving and excepting from the foregoing vacation the right, easement and privilege of placing, constructing, repairing, replacing, maintaining, using and operating public utilities of any kind or nature;
Declaring that the easement reserved herein is in, under, over, upon, along and across that portion of Bolton Hall Road and adjoining alley;
Declaring that this resolution shall not become effective unless and until the approval has been met within three years, or this resolution shall become void and be of no further force or effect;
Directing the City Engineer to advise the City Clerk upon completion of the above conditions.

CITY MANAGER SUPPORTING INFORMATION:

The proposed vacation has been applied for by the Engineering and Capital Projects Department as part of a settlement action between the City and abutting property owner during the right-of-way acquisition for the widening and improvement of San Ysidro Boulevard.

As part of the settlement action the City agreed to apply for the vacation of Bolton Hall Road and adjacent alley west of Border Village Drive on behalf of the affected property owner for compensation for land acquired for the road widening project. The rights-of-way proposed for vacation are located within the San Ysidro Community Plan area and within a CSR-3 Zone and consist of approximately 7,000 square feet. Future development is not proposed with this action. However, any development involving the land proposed for vacation would require processing and approval of a San Ysidro Development Permit. The San Ysidro Planning and Development Group reviewed this proposal and recommended approval by a vote of 10-0-2 on November 21, 1995. The property to be vacated is unimproved right-of-way which is not required for circulation but does provide sole access to several remnant parcels that are under one ownership. As a result a certificate of compliance is required in order to prevent land locking of parcels. The rights of way also contain

public and franchise facilities for which an appropriate easement would be reserved. Staff review of this vacation indicates that the four required findings required by Council Policy and State law can be made. The rights-of-way proposed for vacation may summarily be vacated subject to the filing of a consolidation parcel map.

FILE LOCATION: STRT-J-2840; DEED F-6735 DEEDFY96-1

COUNCIL ACTION: (Tape location: A071-086.)

Testimony in favor of the continuance by Tim Graves.

Testimony in opposition of the continuance by J. W. Stump.

MOTION BY VARGAS TO CONTINUE TO MAY 7, 1996, TO ALLOW THE APPLICANT AND/OR HIS CONSULTANT TO ATTEND THE HEARING. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-332:

SUBJECT: Sale of City-Owned Property in Del Dios.
(See City Manager Report CMR-96-64. Del Dios Community Area.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-96-134) INTRODUCED, TO BE ADOPTED APRIL 15, 1996

Introduction of an Ordinance waiving the requirements of Municipal Code Section 22.0902, relating to Sales of Real Property, and authorizing the City Manager to sell certain City-owned lots or portions of lots in the Del Dios area near Lake Hodges to various owners of adjacent parcels without the need for individual resolutions authorizing the specific sales transactions.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A123-160.)

CONSENT MOTION BY KEHOE TO INTRODUCE THE ORDINANCE. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-333:

SUBJECT: Three actions related to Remodel and Expansion of the Mid-City Police Substation.
(See Redevelopment Agency Report RA-96-08.
District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-1124) ADOPTED AS RESOLUTION R-287128

Authorizing a Design/Development and Lease Agreement with CityLink Investment Corporation for lease, design and development of an expansion to the Mid-City Police Substation, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;
Authorizing the expenditure of not to exceed \$834,514 from CIP-36-057.0 to fund these agreements, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;
Amending the Fiscal Year 1996 Capital Improvement Program Budget by increasing the Mid-City Police Substation allocation (CIP-36-057.0) by \$1,000,000, \$350,000 from Section 108 interest earnings, \$245,000 from 1995 CDBG Entitlement Funds, and \$405,000 from proceeds from the sale of the excess property to CityLink Investment Corporation.

Subitem-B: (R-96-1125) ADOPTED AS RESOLUTION R-287129

Authorizing the City Manager to execute an Operating

Sublease with CityLink Investment Corporation, for the operation of the Mid-City Substation Expansion.

Subitem-C: (R-96-1131) ADOPTED AS RESOLUTION R-287130

Increasing the loan from the City of San Diego to the Redevelopment Agency for the Mid-City Police Substation by \$350,000 for a total amended loan amount of \$3,514,000.

NOTE: See the Redevelopment Agency Agenda of April 2, 1996 for a companion item.

FILE LOCATION: LEAS-CityLink Investment Corporation
LEASFY96-2

COUNCIL ACTION: (Tape location: A123-160.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-334:

SUBJECT: Sixteen actions related to City Heights Urban Village Library/Park and Recreation Project.
(See Redevelopment Agency Report RA-96-07.
District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A, B, C, D, E, H, I, J, K, L, M, N, O and P, and introduce the ordinances in Subitems F and G:
NOTE: 6 votes required for Subitems F and G pursuant to Section 99 of the City Charter.

Subitem-A: (R-96-1113) ADOPTED AS RESOLUTION R-287131

Authorizing the City Manager to apply for and accept a United States Department of Housing and Urban Development Section 108 Loan (Section 108 loan) in the amount of \$5,050,000 for the acquisition of real property and related costs required for the City

Heights Urban Village Library/Park Project site with Community Development Block Grant (CDBG) funds pledged for the loan repayment.

Subitem-B: (R-96-1114) ADOPTED AS RESOLUTION R-287132

Authorizing the City Manager to publish a notice informing the public of the City's intentions to apply for a United States Department of Housing and Urban Development Section 108 loan for the City Heights Urban Village Library/Park Project site, and that any interested persons shall have 30 days to respond to the notice.

Subitem-C: (R-96-1112) ADOPTED AS RESOLUTION R-287133

Authorizing the City Manager to amend the City's Consolidated Plan to include funding for the City Heights Urban Village Project.

Subitem-D: (R-96-1116 Cor. copy) ADOPTED AS RESOLUTION
R-287134

Authorizing the City Manager to accept an Economic Development Initiative Grant in the amount of \$1,000,000 and interest earned, for acquisition of the property rights and related costs required for the City Heights Urban Village Library/Park Project site.

Subitem-E: (R-96-1121 Cor. copy) ADOPTED AS RESOLUTION
R-287135

Authorizing the expenditure of up to \$6,100,000 for acquisition of the City Heights Urban Village Library/Park project site bounded by Fairmount Avenue, 44th Street, Wightman Street, and Landis Street, provided that the City Auditor furnishes a certificate demonstrating that the necessary funds are, or will be, on deposit in the City Treasury.

Subitem-F: (O-96-135) INTRODUCED, TO BE ADOPTED APRIL 15,
1996

Introduction of an Ordinance authorizing the execution of a Ground Lease with the San Diego Community Foundation relating to the City Heights Community Center.

Subitem-G: (O-96-136) INTRODUCED, TO BE ADOPTED APRIL 15,
1996

Introduction of an Ordinance authorizing the execution
of a Sublease and Maintenance Agreement with the San
Diego Community Foundation relating to the City Heights
Community Center.

Subitem-H: (R-96-1060 Cor. copy) ADOPTED AS RESOLUTION
R-287136

Authorizing the execution of a Design, Development and
Construction Agreement with the San Diego Community
Foundation and CityLink Investment Corporation in an
amount not to exceed \$602,065 for the design and
construction of the City Heights Community Center and
Public Library and in a "not to exceed" amount to be
approved prior to authorization to proceed with the
construction phase, provided that the City Auditor
furnishes a certificate demonstrating that the
necessary funds are, or will be, on deposit in the City
Treasury.

Subitem-I: (R-96-1135) ADOPTED AS RESOLUTION R-287137

Authorizing the Amendment to the Capital Improvements
Program budget to include the City Heights Urban
Village Wightman Street Widening, 43rd to Highland
Street, CIP-52-631, in the amount of \$90,000.

Subitem-J: (R-96-1127 Cor. copy) ADOPTED AS RESOLUTION
R-287138

Authorizing the execution of a Construction Design
Agreement with CityLink Investment Corporation for the
design of the Wightman Street Promenade Improvements;
Authorizing the expenditure of an amount not to exceed
\$90,000;

Amending the Fiscal Year 1996 Capital Improvements
Program budget in an amount not to exceed \$120,000 by
using TransNet Bond, Fund No. 30302, for the design,
development, and related costs of the Wightman Street
Promenade Improvements;

Authorizing the Real Estate Assets Department to expend
not more than \$30,000 on property appraisals.

Subitem-K: (R-96-1128) ADOPTED AS RESOLUTION R-287139

Authorizing the City Manager to request advance funding for Capital Improvement Project CIP-52-631.0, from SANDAG through the debt financing program in an amount not to exceed \$120,000.

Subitem-L: (R-96-1129) ADOPTED AS RESOLUTION R-287140

Authorizing the execution of the necessary documents relating to the receipt of advance funding for Capital Improvement Project CIP-52-631.0, from SANDAG through the debt financing program.

Subitem-M: (R-96-1130) ADOPTED AS RESOLUTION R-287141

Authorizing the City to be responsible for paying its proportionate share of the issuance costs and overall annual debt service requirements of the SANDAG debt financing program and that such costs shall be the first priority use of the City of San Diego's annual allocation of TransNet revenues.

Subitem-N: (R-96-1122) ADOPTED AS RESOLUTION R-287142

Approving a budget amendment transferring the Community Development Block Grant commitment from Districts 3, 7, and City-wide from the Police Substation and Expansion Projects to the City Heights Urban Village Library/Park Project;
Accepting repayment in like amount from tax increment proceeds from the City Heights Redevelopment Project.

Subitem-O: (R-96-1115 Cor. copy) ADOPTED AS RESOLUTION
R-287143

Authorizing the City Manager to amend the Community Development Block Grant "Action Plan" to include funding for the City Heights Urban Village Library/Park with the Plan to include financing for the Project from a United States Department of Housing and Urban Development Section 108 loan;
Authorizing the Project's designation as a "Float Fund Activity";
Authorizing a Float Loan in the amount of \$2,200,000 for acquisition, design and construction of the City Heights Urban Village Library/Park project site, including appropriate administrative staff services to

insure the integrity of the loan funds, provided that the City Auditor furnishes a certificate demonstrating that the necessary funds are, or will be, on deposit in the City Treasury;

Authorizing the City Manager and City Auditor to administratively and periodically amend the listing of pledged projects to insure that there is sufficient collateral maintained and to be able to free up projects pledged as collateral for implementation, and that the 1997 Appropriations Ordinance be amended to reflect this on-going authorization up to and until the Float Loan is paid;

Declaring that in the event there is not sufficient income to finance repayment of the Float-Funded Activity, the City Council shall hold a public hearing at least 30 days in advance of the projected default, and that current Community Development Block Grant projects equal in value to the projected default will be thereby amended or deleted from the City's CDBG Action Plan, in order to insure that there will be sufficient funds; declaring that the 1997 Annual Appropriations Ordinance will be modified to reflect this project as an on going authorization until the Float Loan is paid off which is projected to be in the year 2008.

Subitem-P: (R-96-1119) ADOPTED AS RESOLUTION R-287144

Authorizing an Amendment to the Capital Improvements Program budget to include the City Heights Urban Village Library/Park Project, CIP-39-219.0, in the amount of \$13,559,000.

NOTE: For companion items, see the Redevelopment Agency Agenda of 4/2/96 and Item 601 on the Special Joint Meeting Docket of 4/2/96.

FILE LOCATION: SUBITEMS A,B,C,D,E,H,I,J,K,L,M,N,O,P: MEET;
SUBITEMS F & G: NONE CONTFY96-2

COUNCIL ACTION: (Tape location: A213-B517.)

MOTION BY KEHOE TO INTRODUCE THE ORDINANCES AND TO ADOPT THE RESOLUTIONS. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea,

Mayor Golding-not present.

ITEM-335:

SUBJECT: Budget Actions for the Approved Fiscal Year 1996
Southeastern Economic Development Corporation Budget.
(See Southeastern Economic Development Corporation's
Memorandum for the Agenda of 4/2/96. District-4.)

SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1067) ADOPTED AS RESOLUTION R-287145

Accepting a \$2,125,000 loan repayment from the
Southcrest Redevelopment Project Area, and
appropriating \$2,125,000 to the loaned back to the
Redevelopment Agency of the City of San Diego.
Aud. Cert. 9601000.

NOTE: See the Redevelopment Agency Agenda of April 2,
1996 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A123-160.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. Passed
by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-not present.

ITEM-S500:

SUBJECT: Conceptual Approval for \$151 Million Refinancing
Program and Authorization for Issuance of up to \$44.25
Million 1996 Series A Refunding Industrial Development
Bonds.
(See City Manager Report CMR-96-75.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-96-146) INTRODUCED, TO BE ADOPTED APRIL 15, 1996

Introduction of an Ordinance authorizing the issuance and sale of Industrial Development Revenue Refunding Bonds in an aggregate principal amount not to exceed \$151,000,000 and authorizing one or more loan agreements with San Diego Gas & Electric Company and one or more indentures in connection with the issuance of such bonds and related actions and matters.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A123-160.)

CONSENT MOTION BY KEHOE TO INTRODUCE. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-S501:

SUBJECT: Second Amendment to Agreement with Kawasaki, Theilacker, Ueno and Associates.
(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1108) ADOPTED AS RESOLUTION R-287146

Authorizing a Second Amendment to the Agreement with Kawasaki, Theilacker, Ueno and Associates, for professional services needed for Carmel Valley Community Park - Town Center;
Authorizing the expenditure of not to exceed \$387,190 from CIP-29-625.0, Carmel Valley Community Park - Town Center.

CITY MANAGER SUPPORTING INFORMATION:

This second amendment to the agreement with Kawasaki, Theilacker, Ueno and Associates provides the additional professional services

needed to prepare the construction documents for Carmel Valley Community Park - Town Center and the schematic plan for Carmel Valley Community Park - Town Center Recreation Center Building and Swimming Pool. The Carmel Valley Community Park - Town Center is located on the southeast corner of El Camino Real and Townsgate Drive in the Carmel Valley Community Planning Area. The proposed park improvements include multi-use fields, tennis courts, soccer and baseball fields, picnic areas, park and ride facility (by CalTrans), parking lot, irrigation systems and landscaping. The 18-acre park also includes a 17,000-square foot community recreation center building and a 25-meter by 25-yard swimming pool. Depending on availability of funding, the recreation center building and the swimming pool may be constructed as a separate project phase. The agreement with Kawasaki, Theilacker, Ueno and Associates was approved on June 4, 1992. It provides the professional services required for the preparation of a general development plan for the Carmel Valley Community Park - Town Center. The first amendment to the agreement was approved on February 2, 1995. It provided for the preparation of an Environmental Impact Report for the project. The scope of work has increased to include the preparation of construction documents for the park improvement project and a schematic plan for the recreation center building and the swimming pool. Additional professional services are required as a result of the increase in scope of work.
Aud. Cert. 96009770

FILE LOCATION: MEET CCONFY96-1

COUNCIL ACTION: (Tape location: A123-160.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-CS-1: (R-96-1123) ADOPTED AS RESOLUTION R-287152

A Resolution adopted by the City Council in Closed Session on April 2, 1996:

Authorizing the City Manager to pay the sum of \$158,977.22 in the settlement of each and every claim against the City of San Diego, its agents and employees resulting from the

property damage claim of DLS Constructors, et al., as a result of an incident which occurred on October 29, 1995. Authorizing the City Auditor and Comptroller to issue one check to DLS Constructors, in the amount of \$68,977.22, and various checks in an amount up to \$90,000.00 for settlement of the remaining vehicles and parking lot damage claims, in full settlement of all claims.

Aud. Cert. 9600988

FILE LOCATION: MEET

ITEM-CS-2: (R-96-1173) ADOPTED AS RESOLUTION R-287153

A Resolution adopted by the City Council in Closed Session on April 2, 1996:

Authorizing the City Manager to pay the sum of \$80,379.76 in the settlement of each and every claim against the City of San Diego, its agents and employees resulting from property damage claim of Dan Russell, as a result of an incident which occurred on January 8, 1995.

Authorizing the City Auditor and Comptroller to issue one check to Luth & Turley Inc., in the amount of \$80,379.76, made payable to Luth & Turley, Inc. in full settlement of all claims.

Aud. Cert. 9601029

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Stallings at 12:42 p.m.

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FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C141.)